

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DOUGLAS E. MUNDY,)	CASE NO. 5:08 CV 185
)	
Plaintiff,)	JUDGE SARA LIOI
)	
v.)	MAGISTRATE JUDGE
)	WILLIAM H. BAUGHMAN, JR.
COMMISSIONER OF SOCIAL)	
SECURITY,)	<u>REPORT & RECOMMENDATION</u>
)	
Defendant.)	

This matter comes before me by automatic reference of administrative action.¹

Pursuant to the joint stipulation of the parties² filed on September 8, 2008, I recommend that this matter be remanded to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g), with remand to the Commissioner for further administrative proceedings and a new decision. Upon receipt of the Court's order, the Appeals Council will remand the matter to an Administrative Law Judge for anew hearing and a new decision.

The Administrative Law Judge will be instructed to reconsider and reevaluate the entire record, and specifically consider the plaintiff's mental residual functional capacity and, if necessary, obtain evidence from a vocational expert regarding the occupational base.

Dated: September 8, 2008

s/ William H. Baughman, Jr.
United States Magistrate Judge

¹ ECF # 6.

² ECF # 15.

Objections

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order.³

³ See, *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also, *Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).